

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

BELINDA BULLARD, *et al.*,

Plaintiffs,

v.

LIFE INSURANCE COMPANY OF  
NORTH AMERICA,

Defendant.

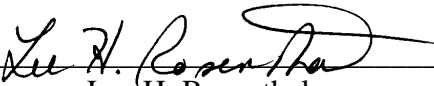
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CIVIL ACTION NO. H-10-735

**ORDER**

Consistent with this court's Memorandum and Order, this case is remanded to the plan administrator. On remand, the parties may reopen the administrative record to conduct additional medical investigation and add to the administrative record information relevant to the factual determinations needed to decide benefit eligibility, specifically, whether Darnell Berryman's death was a loss "caused by or resulting from" sleep apnea. The analysis on remand must follow the recognized rule that when the terms of an insurance policy and the Summary Plan Description Conflict, the SPD terms control and any ambiguities resulting from the conflict be resolved in favor of coverage. LINA must complete its review and provide a decision by **March 11, 2011**. The parties must notify this court by **March 18, 2011** of the administrator's decision and how they believe the case should proceed. This case is administratively closed pending the outcome of the plan administrators' review on remand.

SIGNED on January 3, 2011, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge